

FILED

MAY 13 2013

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2009-4672

BRAD ELLIS RING
2455 South M Street
Oxnard, CA 93033

A C C U S A T I O N

Vocational Nurse License No. VN 108770

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about April 23, 1982, the Board issued Vocational Nurse License No. VN 108770 to Brad Ellis Ring (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter.

3 "(e) Making or giving any false statement or information in connection with the
4 application for issuance of a license.

5 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties
6 of a licensed vocational nurse, in which event the record of the conviction shall be conclusive
7 evidence of the conviction.

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9 "(j) The commission of any act involving dishonesty, when that action is related to the
10 duties and functions of the licensee."

11 8. Section 2878.5 provides, in pertinent part:

12 "In addition to other acts constituting unprofessional conduct within the meaning of this
13 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed
14 under this chapter to do any of the following:

15 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
16 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
17 administer to another, any controlled substance as defined in Division 10 of the Health and Safety
18 Code, or any dangerous drug as defined in Section 4022.

19

20 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous
21 drug, or the prescription, consumption, or self-administration of any of the substances described
22 in subdivisions (a) and (b) of this section, in which event the record of the conviction is
23 conclusive evidence thereof. . . ."

24 **REGULATORY PROVISIONS**

25 9. California Code of Regulations, title 16, section 2521, states:

26 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
27 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
28 considered to be substantially related to the qualifications, functions or duties of a licensed

1 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
2 vocational nurse to perform the functions authorized by his license in a manner consistent with
3 the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those
4 involving the following:

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6 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
7 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
8 Business and Professions Code."

9 COST RECOVERY

10 10. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Convictions of Substantially-Related Crimes)

16 11. Respondent is subject to disciplinary action under sections 490 and 2878, subdivision
17 (f), in conjunction with California Code of Regulations, title 16, section 2521, in that Respondent
18 was convicted of crimes that are substantially related to the qualifications, functions, and duties of
19 a vocational nurse as follows:

20 a. On or about February 02, 2005, after pleading *nolo contendere*, Respondent was
21 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [theft];
22 and one misdemeanor count of violating Health and Safety Code section 11170 [prescribe control
23 substance for own use], in the criminal proceeding entitled *The People of the State of California*
24 *v. Brad Ellis Ring* (Super. Ct. Santa Barbara County, 2004, No. 1162550). The court sentenced
25 Respondent to serve 60 days in jail, placed him on probation for a period of 36 months, and fined
26 him. The circumstances surrounding the conviction are that on or about September 30, 2004, two
27 Santa Barbara County Sheriff's Department Officers contacted Respondent in the parking lot of
28 the Santa Barbara County Sheriff's Department Main Jail as he was leaving his work shift.

1 Respondent was a licensed vocational nurse under contract at the Santa Barbara County Jail for
2 approximately the last 3 years employed through "Prison Health Services." The officers
3 contacted Respondent to investigate information provided to narcotics detectives that Respondent
4 was unlawfully removing prescription medications from the Santa Barbara County Jail without a
5 valid prescription. During a consented search, the officers recovered one zip lock bag from
6 Respondent's shirt pocket containing 12 red/yellow capsules and 9 white tablets. The officers
7 also recovered a second zip lock bag with 11 two-tone green capsules from Respondent's shirt
8 pocket. The Respondent identified the pills as Cephlexin, Antibiotics, and Trazodone.
9 Respondent admitted to the officers that he had taken the capsules from the jail without a valid
10 prescription and without permission. The Respondent stated that the white tablets were
11 prescribed to him, but did not have a valid prescription with him. When asked by the officers,
12 "So basically you're stealing or embezzling them?" the Respondent responded, "Yeah." The
13 Respondent admitted to the officers that he was keeping some medication for his own use, and
14 giving some to other persons. The Respondent subsequently was convicted of violating Penal
15 Code section 484, subdivision (a) [theft]; and Health and Safety Code section 11170 [prescribe
16 control substance for own use.]

17 b. On or about August 20, 1980, after pleading *nolo contendere*, Respondent was
18 convicted of one misdemeanor count of violating Penal Code section 12031, subdivision (a)(1)
19 [carrying a loaded firearm in a public place], in the criminal proceeding entitled *The People of the*
20 *State of California v. Brad Ellis Ring* (Super. Ct. Los Angeles County, 1980, No. MC12127).
21 The court sentenced Respondent to serve 15 days in jail, and placed him on probation for a period
22 of 12 months. The circumstances surrounding the conviction are that on or about July 31, 1980,
23 Respondent did unlawfully and knowingly carry a loaded firearm in his vehicle or on his person
24 while in a public place.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Illegal Possession of Controlled Substances)**

27 12. Respondent is subject to disciplinary action under sections 2878, subdivision (a),
28 2878.5, subdivision (a), in that on or about September 20, 2004, Respondent was found in

1 possession of controlled substances without a valid prescription. Complainant refers to, and by
2 this reference incorporates, the allegations set forth above in paragraph 11, subparagraph (a),
3 inclusive, as though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Drugs and / or Alcohol)**

6 13. Respondent is subject to disciplinary action under sections 2878, subdivision (a),
7 2878.5, subdivision (b), in that Respondent used controlled substance or dangerous drugs, and
8 alcoholic beverages to an extent or in a manner dangerous or injurious to himself, any other
9 person, or the public. Complainant refers to, and by this reference incorporates, the allegations
10 set forth above in paragraph 11, subparagraph (a), inclusive, as though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Convictions of Drug/Alcohol Related Crimes)**

13 14. Respondent is subject to disciplinary action under sections 2878, subdivision (a), and
14 2878.5, subdivision (c), in conjunction with California Code of Regulations, title, 16, section
15 2521, subdivision (f), in that Respondent was convicted of a crime involving illegal controlled
16 substance. Complainant refers to, and by this reference incorporates, the allegations set forth
17 above in paragraph 11, subparagraph (a), inclusive, as though set forth fully.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Acts Involving Dishonesty)**

20 15. Respondent is subject to disciplinary action under section 2878, subdivision (j), in
21 conjunction with California Code of Regulations, title 16, section 2521, subdivision (e), in that
22 Respondent committed acts involving dishonesty. Complainant refers to, and by this reference
23 incorporates, the allegations set forth above in paragraph 11, subparagraphs (a) and (b), inclusive,
24 as though set forth fully.

25 **SIXTH CAUSE FOR DISCIPLINE**

26 **(False Statement in Application)**

27 16. Respondent is subject to disciplinary action under section 2878, subdivision (e), in
28 that Respondent made or gave a false statement or information in connection with his application

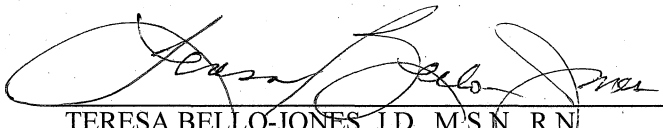
1 to renew a license. Complainant refers to, and by this reference incorporates, the allegations set
2 forth above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set forth fully.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

- 6 1. Revoking or suspending Vocational Nurse License No. VN 108770, issued to Brad
7 Ellis Ring;
- 8 2. Ordering Brad Ellis Ring to pay the Board the reasonable costs of the investigation
9 and enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: **MAY 13 2013**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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